



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/290,006

04/11/99

WANKER

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001

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TM02/0131

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2172

DATE MAILED:

01/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/290,006

Applicant(s)

WANKER, WILLIAM PAUL

Examiner

Tam V Nguyen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 20) ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs (US 5,550,746).

Re claim 1, Jacobs discloses receiving information related to a potential consumer purchase, (Col. 8, lines 20-36); receiving a plurality of merchant information data for a plurality of merchants capable of completing the potential consumer purchase, the merchant data for a merchant organized into a plurality of categories, (Col. 7, lines 35-43, Col. 8, lines 24-36, and Col. 16, lines 39-53); receiving a set of weighting factors, the weighting factors corresponding to the categories of merchant information data, (Col. 7, lines 35-43); calculating a respective merchant data weight result based on the weighting factor as applied to the merchant data, (Col. 10, lines 33-41 and Col. 19, lines 22-43); and ranking merchants based on the aggregated of the

weighting factors for a given merchant to comparison to the aggregate of weighting factors, (Col. 19, lines 60 – Col. 20, lines 3).

Re claim 2, requesting information from a consumer relating to a potential consumer purchase, (Col. 12, lines 49-61).

Re claim 3, providing the ranking to the consumer in response to the consumer's response to the request for information relating to a potential consumer purchase, (Col. 20, lines 4-14).

Re claim 4, below a specified threshold excluding a merchant from the ranking when the merchant receives a aggregate scores, (Col. 19, lines 61 – Col. 20, lines 3).

Re claim 5, requesting weighting factor information from a consumer, (col. 18, lines 52 – Col. 19, lines 7); and using the consumer entered weighting factor information in the calculation of the merchant data weight result, (Col. 19, lines 22-33)

Re claim 6, wherein the weighting factors sum to a predetermined values, (Col. 17, lines 34-62 and see fig. 18).

Re claim 7, wherein weighting factors are balanced such that the weighting factors sum to a predetermined values, (Col. 17, lines 34-62 and see fig. 18).

Re claim 8, providing a rating based on the relative difference in merchant aggregate scores, (Col. 9, lines 54-63, Col. 13, lines 40-50, and Col. 15, lines 12-220).

Re claim 9, providing a ranking to a consumer in response to the consumer's entering a product query, (Col. 19, lines 61-Col. 20, lines 3).

Re claim 10, means for receiving a search query for a product, (Col. 8, lines 9-19); means for retrieving from a database information on merchants offering to sell the product specified in the search query, (Col. 7, lines 56 – Col. 8, lines 6); means for retrieving from a database comparison information relating to the specified product and the merchants offering the specified product, (Col. 6, lines 54-66); means for applying screening factors to the retrieved merchant and product information to remove those merchants from the ranking with correspond to the screening criteria, (Col. 7, lines 33-51); means for calculating a merchant aggregate value from the application of the weighting factors, (Col. 10, lines 33-41 and Col. 19, lines 22-43); means for generating a ranking the merchants based on the merchant aggregate value, (Col. 19, lines 60 – Col. 20, lines 3); and means for providing the ranking to a consumer, (Col. 20, lines 4-14).

Re claim 11, means for presenting the weighting factors to the consumer, (Col. 16, lines 22-38); means for providing the consumer with the ability to specify weights

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associated with items of merchant and product information, (Col. 15, lines 45-59); and means for using the weights in generating the ranking of merchants, (Col. 20, lines 4-14).

Re claim 12, means for calculating a rating of the merchant's offerings of the specified product, (Col. 10, lines 33-41 and Col. 19, lines 22-43); and means for displaying the rating of the merchant's offering, (Col. 9, lines 54-63, Col. 13, lines 40-50, and Col. 15, lines 12-22).

Re claim 13, wherein the rating is based on the relative difference between the aggregate score of different merchants, (Col. 9, lines 54-63, Col. 13, lines 40-50, and Col. 15, lines 12-22).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGourty et al. (US 5085529) shows thermal printing system with encoded sheet set.

McGourty et al. (US 5366307) shows printing control system and method for scalable controlling print energy and cycle time.

Varghese et al. (US 5584016) shows waterjet cutting tool interface apparatus and method.

Tegethoff (US 5539652) shows method for manufacturing test simulation in electronic circuit design.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**Or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

**Contact Information**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM.**

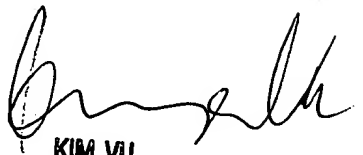
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu, can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

TV: tv

01/09/2001

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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